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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/035,231

01/04/2002

Satoshi Yashiki

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04/28/2006

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EXAMINER

BENGZON, GREG C

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,231

Applicant(s)

YASHIKI, SATOSHI

Examiner

Greg Bengzon

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1-12 have been cancelled. Claims 13-26 are pending.

Priority

The effective date of the subject matter in the claims in this application is January 10, 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The MPEP states that any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

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Claims 13, 20 recite '*the predetermined page of the image data not including one of the plurality of page of the image data previously received from the mail server*'

There is no support in the Applicant Specifications regarding said feature.

Claim Objections

Claims 13, 20 objected to because of the following informalities: *the predetermined page of the image data not including one of the plurality of page of the image data previously received from the mail server*'. The inclusion of a negative limitation does not further limit the Claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-18, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US Patent 6862114) in view of Saito (US Patent 6128101).

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Hayashi disclosed (re. Claim 13) a communicator configured to receive mail to which a plurality of pages of image data are attached; (Hayashi – Figure 6A-6B, Column Lines 40-45, Column 16 Lines 60-65, Column 17 Lines 15-30) a memory configured to store the plurality of pages of the image data attached to the received mail; (Hayashi – Column 2 Lines 55-65) a controller configured to determine whether the memory overflows during the reception of the mail, to stop receiving the mail when it is determined that the memory overflows, (Hayashi - Column 11 Lines 40-45) and to store, in the memory, a predetermined page of the image data attached to the mail, (Hayashi – Column 3 Lines 1-10) when the mail is re-received after the stop of receiving the mail, the predetermined page of the image data not being stored in the memory when the mail was previously received. (Hayashi – Figure 4B, Column 3 Lines 10-25, Column 4 Lines 20-25, Column 16 Lines 10-35)

However Hayashi did not disclose (re. Claim 13) a receiving Internet facsimile apparatus connectable to a mail server via a network; (re. Claim 13) the predetermined page of the image data not including one of the plurality of pages of the image data being previously received from the mail server.

Saito disclosed (re. Claim 13) a receiving Internet facsimile apparatus connectable to a mail server via a network (Saito – Column 2 Lines 40-45); (re. Claim 13) the predetermined page of the image data not including one of the plurality of pages

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of the image data being previously received from the mail server (Saito – Column 7 Lines 5-15).

Hayashi and Saito are analogous art because they present concepts and practices regarding data transmission recovery and restart procedures. (Hayashi – Column 3 Lines 1-10, Saito – Column1 Lines 45-50) At the time of the invention it would have been obvious to combine the teachings of Saito into the apparatus and method of Hayashi. The motivation for said combination would have been, as Saito suggests (Saito – Column 1 Lines 45-50), to distinguish email that has not been processed and store said email for subsequent re-transmission, in order to overcome limitations on facsimile devices with limited storage capacity.

Hayashi disclosed (re. Claim 14) wherein, when it is determined that the memory overflows, the controller notifies, to a user of a transmitting apparatus, the transmitting apparatus transmitting the mail to the receiving facsimile apparatus, that the memory of the receiving Internet facsimile apparatus overflows. (Hayashi – Figure 10-11, Column 3 Lines 25-45)

Hayashi disclosed (re. Claim 15) a printer configured to print data, wherein, when the printer prints the plurality of the pages of the image data, (Hayashi – Column 5

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Lines 20-30) the controller erases, from the memory, the plurality of the pages of the image data. (Hayashi – Column 4 Lines 40-55)

Hayashi disclosed (re. Claim 16) wherein the controller determines a received last page of the image data, the received last page of the image data being stored in the memory before the memory overflows, (Hayashi – Column 4 Lines 15-25, Column 12 Lines 35-40) determines that a page received after the received last page of the image data is the predetermined page of the image data, and stores the predetermined page of the image data in the memory, (Hayashi – Column 13 Lines 50-65) when the mail is re-received from the mail server after the stop of receiving the mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server.

Hayashi disclosed (re. Claim 17) wherein the memory stores a last page number, (Hayashi – Column 15 Lines 20-35) the last page number indicating a last page of the image data stored in the memory when the receiving the mail was stopped, and the controller determines that a page of the image data received after the page indicated by the last page number is the predetermined page of the image data, (Hayashi – Column 15 Lines 20-35) and stores the predetermined page of the image data in the memory, when the mail is re-received from the mail server after the stop of receiving the mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received (Hayashi – Column 16 Lines 10-35)

Hayashi disclosed (re. Claim 18) wherein the memory stores a number of pages of the image data stored in the memory when the receiving the mail was stopped, (Hayashi – Column 15 Lines 20-35) and the controller determines the predetermined page of the image data, based on the number of the pages of the image data stored in the memory, and stores the predetermined page of the image data in the memory, (Hayashi – Column 15 Lines 20-35) when the mail is re-received after the stop of receiving the mail, the predetermined page of the image data not being stored in the memory when the mail was previously received.

Claims 20-25 are rejected on the same basis as Claims 13-18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US Patent 6862114) in view of Saito (US Patent 6128101), further in view of Yoshida et al. (US Patent 5031179), hereinafter referred to as Yoshida.

The combination of Hayashi and Saito disclosed a system that stores the number of pages received before a transmission failure or memory overflow condition is detected. However the combination of Hayashi and Saito did not disclose (re. Claim 19 and 26) storing the file size that is received before a transmission failure or memory overflow condition and detected, and using said file size to determine required amount of re-transmission data. Hayashi makes an effort to reduce the waste of resources and improve performance for multimedia content handling and reproduction systems during cases of transmission errors by marking pages as 'complete' or 're-transmit'. (Column 2 Lines 5-10) The Examiner notes that while text documents (or pages) are relatively small in size, image files are relatively large and take longer to transmit and reproduce. Hayashi would have discovered that image files continue to grow in size as image capture technology improves, and marking pages as 'complete' would no longer provide the improved performance that Hayashi was seeking. Thus Hayashi would have been motivated to search for and implement a method for a more granular level of marking data as 'complete' or 're-transmit' so that even if only one half of the image page was received the system would still be able to differentiate between 'complete' and 're-transmit' portions.

Yoshida discloses a communications method for sending documents via facsimile apparatus that ascertains an amount of error data, (Yoshida – Column 19 Lines 40-45) discriminates between correctly received data and error data, (Yoshida – Column 16 Lines 35-40) and remembers number of bytes of data that have been transferred and received. (Yoshida – Column 19 Lines 40-45) Yoshida discloses of retransmitting only the error data when transmission errors are detected. (Yoshida – Column 21 Lines 60-65)

Hayashi, Saito and Yoshida are analogous art because they present concepts and practices regarding data transmission recovery and restart procedures. (Hayashi – Column 3 Lines 1-10, Yoshida – Column 4 Lines 25-35) At the time of the invention it would have been obvious to combine the teachings of Yoshida into the combined apparatus and method of Hayashi and Saito. The said combination would enable the combined apparatus and method of Hayashi and Saito to 1) enable a received data size memorizing section that, when the memory overflows, stores size of the received email data, and 2) read the received data size from said received data size memorizing section, then stores the remaining email data corresponding to the size of the data after the read data size, in the memory. The motivation for doing so would be, as Yoshida suggests (Yoshida - Column 3 Lines 5-10), in order that the transmitter can determine whether to continue retransmitting a selected portion of data or discontinue retransmission and proceed with transmission of the next portion of data.

The combination of Hayashi, Saito and Yoshida disclosed (re. Claim 19) wherein the memory stores a data amount of the image data (Yoshida – Column 19 Lines 40-45, Column 23 Lines 20-25), stored in the memory when the receiving the e-mail was stopped, (Hayashi – Column 15 Lines 20-35) and the controller determines the predetermined page of the image data, based on the data amount of the image data stored in the memory, (Hayashi – Column 15 Lines 20-35) and stores the predetermined page of the image data in the memory, when the e-mail is re-received from the mail server after the stop of receiving the e-mail, the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi - Column 13 Lines 55-65)

The combination of Hayashi, Saito and Yoshida disclosed (re. Claim 26) storing, in the memory, a data amount of the image data (Yoshida – Column 19 Lines 40-45, Column 23 Lines 20-25), stored in the memory when the receiving the e-mail was stopped; (Hayashi – Column 15 Lines 20-35) determining the predetermined page of the image data, based on the data amount of the image data stored in the memory, (Hayashi – Column 15 Lines 20-35) when the e-mail is re-received from the mail server after the stop of receiving the e-mail; and storing the predetermined page of the image data in the memory, (Hayashi – Column 15 Lines 20-35) the predetermined page of the image data not being stored in the memory when the e-mail was previously received from the mail server. (Hayashi - Column 13 Lines 55-65)

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [in italics]:

Hayashi...stores all retransmission data, and deletes image data stored in the previous transmission...Rather, the present invention does not store all retransmission image data...

The Examiner respectfully disagrees with the Applicant.

The Applicant statement is somewhat unclear and misleading, as it seems to suggest that the invention does not store all the data received during the re-transmission process, and would result in an incomplete document/image. The Applicant is respectfully requested to provide further clarification and provide the enabling portions of the Applicant Specification regarding said feature.

The argument is also unclear and misleading in view of Applicant Specification Paragraph 045, which indicates that '*character code data corresponding to the pages before the interrupted pages (received pages) are deleted from the reception buffer [reception storage] without any processing...On the other hand, the data corresponding to the pages after the interrupted page number (un-received pages) are decoded*'. Thus the invention is receiving all retransmission data, storing all retransmission data in the buffer [storage], and selectively deleting the previously received data.

In view of the Applicant Specifications, the invention is equivalent to Hayashi, where Hayashi disclosed 'when previously transmitted image data is received, received image data which is already stored in the image data storing means is selectively erased'. (Hayashi-Column 4 Lines 50-52)

Furthermore the Applicant points to Hayashi Column 16 Lines 59-67 to support the argument that Hayashi stores all retransmission data. However, the Examiner believes this statement is taken out of context, since the Examiner notes that Hayashi disclosed, prior to retransmission, identifying only the portions that require re-transmission (Hayashi-Column 4 Lines 20-23) and sending only those portions. Hence the Hayashi citation regarding storing all re-transmission data is wherein the retransmission data only includes the portions that were not successfully received.

Regarding the amendment indicating '*the predetermined page of the image data not including one of the plurality of page of the image data previously received from the mail server*', the Examiner notes that omission of an element and its function is obvious if the function of the element is not desired. It would have been well known in the art that repetitively transmitting and receiving the same data is highly undesirable, particularly in context of error recovery. Hayashi disclosed wherein '*the reception side can easily decide whether image data in question is already transmitted or not*' (Hayashi-Column 4 Lines 5 Lines 23-25). Thus it would have been obvious to not include the image data previously received, in view of what is well known in the art.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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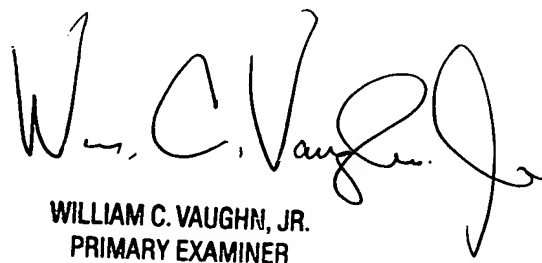
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER